

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

CASEY M. JOHNSON,

Petitioner,

V.

WARDEN AIMEE SMITH,

Respondent.

NO. 5:21-cv-00234-MTT-CHW

ORDER

Petitioner Casey M. Johnson filed a handwritten document, which was docketed in this Court as a 28 U.S.C § 2254 habeas corpus petition. Pet. for Writ of Habeas Corpus., ECF No. 1. The petition was not on the Court's standard form, and Petitioner did not sign the petition. Because of the lack of a signature, the Clerk issued a notice of deficiency, instructing Petitioner that he must sign the document and return it within twenty-one days. The notice of deficiency cautioned Petitioner that his failure to comply could result in the dismissal of this action. More than twenty-one days passed following the entry of the notice of deficiency, and Petitioner did not return a signed copy of his habeas corpus petition.

As a result, Petitioner was ordered to show cause why this case should not be dismissed based on Petitioner's failure to file a signed copy of the petition. Order to Show Cause, ECF No. 3. Additionally, if he wanted to proceed with this action, Petitioner was directed to recast his petition on the Court's standard form and either pay the \$5.00 filing fee for a habeas corpus petition or file a proper and complete motion to proceed in this

action *in forma pauperis*. *Id.* Petitioner was given twenty-one days to file his response and to recast petition and either pay the filing fee or seek leave to proceed *in forma pauperis*. *Id.* Additionally, Petitioner was cautioned that his failure to fully and timely comply would result in the dismissal of his petition. *Id.*

More than twenty-one days have passed since the order to show cause was entered, and Petitioner has not responded to that order or taken any of the steps identified therein. Thus, because Petitioner has failed to respond to the Court's orders and has otherwise failed to prosecute this case, it is hereby **ORDERED** that this petition be **DISMISSED WITHOUT PREJUDICE**. *See* Fed. R. Civ. P. 41(b); *Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (per curiam) ("The court may dismiss an action *sua sponte* under Rule 41(b) for failure to prosecute or failure to obey a court order.") (citing Fed. R. Civ. P. 41(b) and *Lopez v. Aransas Cty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)).

SO ORDERED, this 20th day of September, 2021.

S/ Marc T. Treadwell
MARC T. TREADWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT